

From: [Payne, James](#)
To: [Gray, David](#)
Cc: [Thompson, Steve](#); [Seager, Cheryl](#); [Lannen, Justin](#); [Barnett, Cheryl](#); [Welton, Patricia](#)
Subject: Fwd: No Action Assurance for specific NSPS and MACT Subparts; Declared Disaster Counties; Air Curtain Incinerators
Date: Thursday, October 12, 2017 4:34:20 PM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[image002.png](#)
[ATT00002.htm](#)
[Harvey Texas NAA Combust Engines for Incinerators draft.docx](#)
[ATT00003.htm](#)

David - ensuring you have latest here on Texas' NAA request this aft re burning woody debris. While the region provided OECA with a draft NAA to facilitate handling, my understanding is that there is a pending internal evaluation as to whether an NAA is needed for these particular CAA provisions. Others here could speak further. Jim. 214-490-6707 cell

Sent from my iPhone

Begin forwarded message:

From: "Thompson, Steve" <thompson.steve@epa.gov>
Date: October 12, 2017 at 4:22:31 PM CDT
To: "Brooks, Phillip" <Brooks.Phillip@epa.gov>, "Holmes, Carol" <Holmes.Carol@epa.gov>
Cc: "Seager, Cheryl" <Seager.Cheryl@epa.gov>, "Coleman, Sam" <Coleman.Sam@epa.gov>, "Payne, James" <payne.james@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>, "Lannen, Justin" <Lannen.Justin@epa.gov>, "Barnett, Cheryl" <Barnett.Cheryl@epa.gov>
Subject: RE: No Action Assurance for specific NSPS and MACT Subparts; Declared Disaster Counties; Air Curtain Incinerators

Phil/Carol:

Here is a draft NAA prepared by the Region to assist with expediting the response. Please let us know if we can be of further assistance.

Thanks,
Steve

From: Coleman, Sam
Sent: Thursday, October 12, 2017 1:59 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Brooks, Phillip <Brooks.Phillip@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>
Subject: FW: No Action Assurance for specific NSPS and MACT Subparts; Declared Disaster Counties; Air Curtain Incinerators

I just spoke to Richard Hyde. We previously agreed that the State could authorize burning under state authorities. Based on their analysis, this request goes further that

we previously authorized.

Texas Dept of Forestry and the TCEQ will join together to monitor the burn sites and assure that only woody debris is burned.

Let me know our timing on getting back to them.

Samuel Coleman, P.E.
Deputy Regional Administrator
EPA Region 6
coleman.sam@epa.gov
214.665.2100 Ofc
214.665.3110 Direct
214.789.2016 Cell

From: Tracy Miller [<mailto:tracy.miller@tceq.texas.gov>]
Sent: Thursday, October 12, 2017 1:44 PM
To: Coleman, Sam <Coleman.Sam@epa.gov>
Cc: Richard Hyde <richard.hyde@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; Steve Hagle <steve.hagle@tceq.texas.gov>; Thompson, Steve <thompson.steve@epa.gov>
Subject: No Action Assurance for specific NSPS and MACT Subparts; Declared Disaster Counties; Air Curtain Incinerators

Administrator Coleman,

As you are aware, Texas is actively managing massive amounts of debris resulting from the wind and rainfall damage associated with Hurricane Harvey. This overwhelming amount of debris presents extraordinary circumstances making normal debris removal methods difficult. Specifically, the volume of debris and limited disposal options in declared disaster counties necessitates the state to utilize all effective options, including maximum use of air curtain incinerators (ACI) that require a general operating permit and compliance with certain New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) Standards.

To facilitate the use of ACIs at Texas Commission on Environmental Quality (TCEQ) approved Temporary Debris Management Sites in declared disaster counties, the TCEQ, on behalf of Governor Greg Abbott, respectfully requests that EPA provide a No Action Assurance to allow for discretion not to pursue enforcement for violations of the following NSPS and MACT Standards:

<!--[if !supportLists]-->• <!--[endif]-->40 CFR Part 60, Subpart
CCCC - Standards of Performance for Commercial and Industrial
Solid Waste Incineration Units;
<!--[if !supportLists]-->• <!--[endif]-->40 CFR Part 60, Subpart

EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006;

<!--[if !supportLists]-->• <!--[endif]-->40 CFR Part 60, Subpart III
- Standards of Performance for Stationary Compression Ignition Internal Combustion Engines;
<!--[if !supportLists]-->• <!--[endif]-->40 CFR Part 60, Subpart JJJJ
- Standards of Performance for Stationary Spark Ignition Internal Combustion Engines; and
<!--[if !supportLists]-->• <!--[endif]-->40 CFR Part 63, Subpart
ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Thank you for your consideration of this request. If you any questions or concerns, please feel free to contact Ramiro Garcia, Jr., Deputy Director for the Office of Compliance and Enforcement, at (512) 239-4481, or Steve Hagle, Deputy Director for the Office of Air, at (512) 239-1295.

Thank you,

Tracy Miller (on behalf of Ramiro Garcia, Jr.)

Tracy L. Miller

Special Assistant to the Deputy Director
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